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Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF WYOMING**

| | | |
|-------------------------------|---|----------------------------------|
| CUSTODIA BANK, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 22-CV-00125-SWS |
| |) | |
| FEDERAL RESERVE BOARD OF |) | |
| GOVERNORS and FEDERAL RESERVE |) | |
| BANK OF KANSAS CITY, |) | |
| |) | |
| Defendants. |) | |

**PLAINTIFF CUSTODIA BANK, INC.’S
 UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO MOVE TO SUPPLEMENT THE
 ADMINISTRATIVE RECORD**

Custodia Bank, Inc., by and through its undersigned counsel of record, respectfully requests an extension of the deadline to file any motions regarding the content of the administrative record produced by Defendant the Federal Reserve Board of Governors (“the Board”). The current deadline to file a motion to supplement the administrative record is October 27, 2023. The Board’s codefendant, the Federal Reserve Bank of Kansas City, has not yet finished producing documents. Custodia requests an extension until fourteen (14) days after the Federal Reserve Bank of Kansas City produces a privilege log and certifies its document production is complete.

The fact that Custodia is still receiving documents that have the potential to elucidate the completeness of the administrative record distinguishes this case from the typical case envisioned

by the Wyoming Local Rules. While parties usually must move for supplementation of the administrative record within fourteen days, Wyo. L. R. 83.6(b)(3), there is good cause to grant an extension in these circumstances. After the Kansas City Fed completes its document production, Custodia will be able to challenge the content of the administrative record without having to simply guess at what is missing. The existence of materials about Custodia's master account application "*directly or indirectly* considered by the [Board's] decision-makers," Wyo. L. R. 83.6(b)(1)(B), will become more apparent after the Kansas City Fed finishes producing its documents. With this additional information, Custodia may be able to work with the Board to resolve any dispute about the content of the administrative record without Court intervention. However, Custodia requests this extension because it must reserve its ability to request that the Court order the Board to supplement the record if agreement cannot be reached. Granting this extension will not alter any of the dates in the Court's Scheduling Order. Custodia met and conferred with the Board about this extension, and the Board consents to the relief requested. At the Board's request, Custodia includes the following: "The Board does not agree that discovery is in any way relevant to or informs the contents of the administrative record, or that ordinary civil discovery is appropriately used for such purposes. The Board does not oppose plaintiff's requested extension, however, given the possibility that it may eliminate unnecessary motion practice before the Court."

Custodia thus requests that the Court grant additional time for Custodia to challenge the content of the administrative record so that the Kansas City Fed can produce the information necessary for Custodia to effectively challenge the completeness of the record.

RESPECTFULLY SUBMITTED this 19th day of October 2023.

**Custodia Bank Inc.,
Plaintiff.**

By: /s/ Scott E. Ortiz
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CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing document was served upon counsel via the manner set forth below on this 19th day of October, 2023.

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